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TOWN OF CAMDEN
CHAPTER VI-1
Cable Television Enabling Ordinance

Pursuant to the authority granted to the Municipal Officers of the Town of Camden under Title 30, Section 2141 (2) (H) of the Maine Revised Statutes Annotated 1964, as amended, the Municipal Officers of the Town of Camden are hereby authorized to contract on such terms and conditions and impose such fees, as are in the best interests of the municipality, including the grant of an exclusive franchise for a period not to exceed 10 years, for the placing and maintenance of community antennae television systems and appurtenances of parts thereof, along public ways and including contracts with operators of such systems which receive the services of television signal transmission offered by any public utilities using public ways for such transmission. Systems located in accordance with such contracts and ordinances now existing or as hereafter passed are not defects in public ways.

The Municipal Officers may establish such charges as are necessary to defray the costs of public notice, advertising, and the expenses of hearings related to applications for a contract, but in no case to exceed \$25 per applicant.

Historical Note: Adopted February 25, 1974
State Law Reference: 30 MRSA, Sec. 2151 (2) (H)

CHAPTER VI-1A

Cable Television Rate Regulation Ordinance

ARTICLE 1: GENERAL

1.1 Short Title

This Ordinance shall be known as the "Camden Cable Television Rate Regulation Ordinance" and will be referred to herein as "this Ordinance."

1.2 Purpose

The purpose of this Ordinance is to implement the authority conferred on cable television franchising authorities to regulate Basic Service Rates and Charges.

1.3 Authority

This Ordinance is enacted pursuant to the Cable Television and Consumer Protection and Competition Act of 1992, as amended; pursuant to regulations adopted by the Federal Communications Commission ("FCC"), including but not limited to the "FCC Rate Regulations" as defined herein; and pursuant to 30-A M.R.S.A. Section 3001, as amended.

1.4 Validity and Severability

The invalidity of any section or provision of this Ordinance shall not effect the validity of any other section or provisions of this Ordinance.

1.5 Effective Date

This Ordinance shall become effective immediately upon its approval by the municipal officers.

ARTICLE 2: DEFINITIONS

2.1 Basic Service Rates and Charges

Basic Service Tier rates and the charges for related equipment, installation and services which, pursuant to federal laws and regulations, may be regulated by franchising authorities.

2.2 Basic Service Tier

That tier of cable television service which contains, at a minimum, all local broadcast signals and the public, educational and governmental channels required by the franchise agreement. Provided that the contents of this tier meet this definition, the Cable Operator

may, in its sole discretion, determine what (if any) additional service will be provided as part of this tier.

2.3 Benchmark Approach

That theory of rate regulation which sets rates based upon "benchmarks" established by the FCC.

2.4 Cable Operator

Any cable television system operating with the Town of Camden.

2.5 Cost-of-Service Approach

That theory of rate regulation, to be initiated only by the Cable Operator, which allows the Cable Operator to charge rates in excess of the FCC benchmark rates upon a showing that the cost of providing cable service exceeds the benchmark rate.

2.6 FCC

The Federal Communications Commission

2.7 FCC Rate Regulations

Report and Order, In the Matter of Implemtation of Sections of Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993), as amended.

2.8 Franchising Authority

The Town of Camden, acting pursuant to its authority under federal, state and local laws and regulations to authorize and oversee the provision of cable television service in Camden.

ARTICLE 3: RATE SETTING PROCEDURES

3.1 Cable Operator Submission

Within thirty (30) days of the date of the notice from the Franchising Authority to the Cable Operator, the Cable Operator shall file its rate justification with the Franchising Authority.

3.2 Franchising Authority Response

The Franchising Authority shall make a decision on the rate request within thirty (30) days after the Cable Operator submits its rate justification. The rates proposed by the Cable Operator shall automatically take effect after that 30-day period unless the Franchising Authority issues a statement that it needs additional time to make its decision.

If the Franchising Authority decides that it needs longer than the initial 30-day period to consider the rate request, it may issue a statement to that effect. Such a statement may provide for up to ninety (90) additional days to review a rate based upon a benchmark approach and up to one hundred fifty (150) additional days to review a rate request based upon a cost of service approach.

If the Franchising Authority cannot reach a decision by the end of the extended period set forth in the preceding paragraph, the rates proposed by the Cable Operator shall go into effect, subject to refund. If the Franchising Authority intends to seek refunds, it shall issue an Order to the Cable Operator prior to expiration of the time period for response, notifying the Cable Operator to keep accurate records with respect to rates.

3.3 Public Hearing Required

A public hearing shall be held in connection with every rate setting proceeding. At least ten (10) days prior to the hearing date, the Town Clerk shall publish a notice of hearing in a newspaper of general circulation in the Town of Camden. The notice shall identify the name of the Cable Operator, indicate that a rate change has been requested, and identify the time and place of the public hearing.

3.4 Proprietary Information

The Franchising Authority may require the Cable Operator to furnish proprietary information in connection with any rate setting proceeding.

3.5 Calculation of Rates and Refunds

In setting Basic Tier Rates and Changes, and in setting any refunds, the Franchising Authority shall be governed by the FCC Rate Regulations as amended. The FCC Rate Regulations shall govern notwithstanding any different or inconsistent provisions in the Franchising Agreement.

3.6 Decision of Franchising Authority

The Franchising Authority shall issue a written rate decision with appropriate findings and conclusions if the Franchising Authority:

- a. disapproves, in whole or in part, the initial rate schedule or a proposed rate increase; or
- b. approves the initial rate or proposed rate increase over the objection of an interested party Public notice must be given of any such written decision, which shall include release of the text of the written decision to the public. No written decision shall be required to approve an unopposed existing or proposed rate.

3.7 Appeals

The FCC shall have exclusive jurisdiction to hear appeals challenging whether the Franchising Authority's decision is consistent with the 1992 Cable Act or any applicable FCC rules. Any Participant in a Franchising Authority's rate regulation proceeding may appeal the Franchising Authority's decision on such grounds to the FCC within thirty (30) days of release of the public notice required under Article 3.3 of this Ordinance.

Appeals on grounds other than those stated in the preceding paragraph shall be made to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

ARTICLE 4: EXECUTION OF DOCUMENTS

4.1 Authority Conferred

The Chairman of the Board of Selectmen, or his or her designee, is authorized to execute on behalf of the Town and file with the FCC such certifications, forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the Town to regulate Basic Service Rates and Charges.

ARTICLE 5: AMENDMENT

This Ordinance may be amended by the Municipal Officers following public hearing.

ARTICLE 6: FEDERAL LAW PREEMPTION

To the extent that any provision of this Ordinance is inconsistent with federal law or regulations now in effect or which may be later adopted, federal law shall govern.

CHAPTER VI-2

Ordinance Concerning Restraint of Dogs in Public Places (Except for Seeing Eye Dogs)

Section 1

Pursuant to Title 30-A, Maine Revised Statutes, Section 3001 an ordinance for restraint of dogs in public Places is enacted.

Section 2

It shall be unlawful for any person to permit or cause a dog to be present on any public way or public place unless that dog is under restraint and under control of that person within the meaning of this Ordinance. For the purposes of this Ordinance, a dog shall be considered under restraint and under control of a person if that dog is attached to a leash that is held by a person or if a dog is at "heel" beside a person, and obedient to that person's commands, or if a dog is located on or within a vehicle being driven or parked on streets or public ways, or if a dog is located within the property limits of the owner or keeper of that dog.

Nothing contained in this Ordinance shall be held to require the leashing or restraint of any dog while that dog is located on the property of its owner or keeper.

It shall also be unlawful for any dog to be located or present on property owned by a person other than the owner or keeper of that dog unless that dog is present on that property with the permission of the owner of that property.

For purposes of this Ordinance, a dog shall be deemed controlled by a leash so that the dog is under restraint within the meaning of this Ordinance only if the leash attached to that dog is not more than eight feet long.

Notwithstanding the provisions of this Ordinance, it shall be unlawful for any person to cause or permit a dog to be present or located on any public beach within the Town of Camden. :

Barrett Cove
Laite Beach
Shirttail Point

This Ordinance prohibits any person from causing or permitting a dog to be located on a public beach even if that dog is under restraint by leash or otherwise within the meaning of the Ordinance.

Section 3 Restrictions

Dogs are not allowed in cemeteries in Camden.

Section 4 Dog Owner's Responsibility

It shall be deemed the responsibility of the dog's owner or keeper to pick up their dog waste whenever they are walking on sidewalks, streets, public property and on any property other than the owner's/keeper's property, whether it is public or private property.

Section 5 Penalties

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction therefore shall be fined not less than \$ \$25 nor more than \$250; and a separate offense shall be deemed committed on each day on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Section 6 Dog License

All dogs residing in the Town of Camden are required to be licensed through the Camden Town Office by December 31st of each year. Included with the dog license will be a copy of this Town of Camden Dog Ordinance and a Town Map depicting dog friendly areas of Camden, with locations of the waste bag dispensers for public use.

Section 7

Notwithstanding any other provision herein, dogs shall be allowed at all times on Town-owned beaches; except that, for the annual period commencing May 1 and running through September 30, dogs may only be allowed on Town-owned beach during the hours from 6:00 pm through 8:00 am, and therefore shall be prohibited during the hours from 8:00 am through 6:00 pm.

(This Section 7 was approved by voter referendum on June 13, 2007)

Historical Note: Amended June 12, 2007

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 7 MRSA, Sec. 3458

CHAPTER VI-2

Ordinance Concerning Restraint of Dogs in Public Places (Except for Seeing Eye Dogs)

Section 1

Pursuant to Title 30-A, Maine Revised Statutes, Section 3001 an ordinance for restraint of dogs in public Places is enacted.

Section 2

It shall be unlawful for any person to permit or cause a dog to be present on any public way or public place unless that dog is under restraint and under control of that person within the meaning of this Ordinance. For the purposes of this Ordinance, a dog shall be considered under restraint and under control of a person if that dog is attached to a leash that is held by a person or if a dog is at "heel" beside a person, and obedient to that person's commands or if a dog is located on or within a vehicle being driven or parked on streets or public ways or if a dog is located within the property limits of the owner or keeper of that dog.

Nothing contained in this Ordinance shall be held to require the leashing or restraint of any dog while that dog is located on the property of its owner or keeper.

It shall also be unlawful for any dog to be located or present on property owned by a person other than the owner or keeper of that dog unless that dog is present on that property with the permission of the owner of that property.

For purposes of this Ordinance, a dog shall be deemed controlled by a leash so that the dog is under restraint within the meaning of this Ordinance only if the leash attached to that dog is not more than eight feet long.

Notwithstanding the provisions of this Ordinance, it shall be unlawful for any person to cause or permit a dog to be present or located on any public beach within the Town of Camden:

Barrett Cove
Laite Beach
Shirttail Point

This Ordinance prohibits any person from causing or permitting a dog to be located on a public beach even if that dog is under restraint by leash or other wise within the meaning of the ordinance.

Section 3 Restrictions

Dogs are not allowed in cemeteries in Camden.

Section 4 Dog Owner's Responsibility

It shall be deemed the responsibility of the dog's owner or keeper to pick up their dog waste whenever they are walking on sidewalks, streets, public property and on any property other than the owner's/keeper's property, whether it is public or private property.

Dog owners and keepers are responsible for all actions of their dogs, keeping in mind the safety of the general public and the protection of public and private property.

Section 5 Penalties

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction therefore shall be fined not less than \$25 nor more than \$250; and a separate offense shall be deemed committed on each day on which the violations occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Section 6 Dog License

All dogs residing in the Town of Camden are required to be licensed through the Camden Town Office by December 31st of each year. Included with the dog license will be a copy of this Town of Camden Dog Ordinance and a Town Map depicting dog friendly areas of Camden, with locations of the waste bag dispensers for public use.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 7 MRSA, Sec. 3458

CHAPTER VI-3
Fishing Ordinance
(Now superseded by state statute)

Section 1

Making it lawful to fish for, take and have in possession white perch of the present and lawful size and number, in the waters of Megunticook or Canaan Lake and its tributaries, in the Town of Camden, from the time the ice leaves these waters, until the close of the lawful fishing season now in force.

Section 2

Making it lawful to fish for, take and have in possession white perch of the present and legal size and number in Fish Pond, Hobbs Pond, and that part of Megunticook, or Canaan Lake, and their tributary waters, in the Town of Hope, from the time the ice leaves these waters, until the close of the lawful fishing season now in force.

Historical Note: Adopted November 24, 1936

State Law Reference: 12 MRSA, Sec. 7035

CHAPTER VI-4 Flea Markets Ordinance

Section 1

Pursuant to Title 30, Maine Revised Statutes, Section 2151 (5)(a), an ordinance for the regulation of the business of flea markets and other similar activities is hereby enacted.

Section 2 License Required

It shall be unlawful for any persons, firm, or corporation to engage in the business of a flea market or the purchase and sale of articles by second-hand dealers in the Town of Camden, without having first secured a license therefor from the Board of Selectmen of the Town of Camden.

This Ordinance and the licensing requirement contained herein shall pertain to any business activity commonly known as a flea market and any other related activity which involves the purchase and sale of articles by second-hand dealers. For purposes of this Ordinance, the term "flea market" shall mean a business in which articles of merchandise are sold from stalls or booths or otherwise at a temporary location. For purposes of this article, a temporary location shall mean a location for that business at which the business is operated for a period of less than six months in a period of one year.

Section 3 Applications

Applications for such licenses shall be made to the Board of Selectmen by delivery of such application to the Town Clerk; and such application shall be on a form prescribed by the Board of Selectmen, and shall state thereon the kind of merchandise to be offered for sale or purchases; and the permanent address of the person, firm or corporation engaging in the business of a flea market or other similar business activity.

Section 4 Fee

The fee for such a license shall be \$100.00 for an annual license and shall be payable with the submission for the license. The duration of a license shall be one year from the date of issuance.

Section 5

No person, firm or corporation shall organize, permit or cause the operation of a flea market or other similar business activity on any street, sidewalk, park, parkway or in any other public place except with the written permission of the Board of Selectmen of the Town of Camden.

Section 6

Any applicant for a license shall specify adequate parking arrangements with regard to the location of the business activity under the license and those parking arrangements shall not impair safety of traffic on public ways and shall not cause unreasonable congestion on public ways.

Any licensee under the license granted hereunder shall take reasonable steps to assure that the business activity licensed hereunder shall not unreasonably impair safety or unreasonably cause traffic congestion on public ways.

Any licensee hereunder shall not cause or permit signs advertising the licensed activity on any public way or public place except with the express permission of the Board of Selectmen which said permission shall be specifically requested by the applicant and, if granted by the Board of Selectmen, shall be endorsed on the license.

Section 7 Penalty

Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$250.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each date during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151

CHAPTER VI-5

Hawking and Peddling Ordinance

Section 1

Pursuant to Title 30, Maine Revised Statutes, Section 2151(5) (c) and (f) an ordinance for the regulation of the business of hawking and peddling of Merchandise at retail and regulating the business of itinerant vending of merchandise at retail is enacted.

Section 2 License Required

It shall be unlawful for any person, firm, or corporation to engage in the business of hawking or peddling of any merchandise, article or thing without having first secured a license therefor from the Board of Selectmen of the Town of Camden, except for any such person, firm or corporation listed in the following paragraph who is not involved in the business of itinerant vending of merchandise at retail.

This ordinance and the licensing requirement contained herein does not apply to persons selling merchandise by sample, list or catalogue for future deliveries; farm, dairy, orchard, fish, and forest products of their own production; newspapers and religious literature; unless such person, firm or corporation is engaged in the business of itinerant vending of merchandise at retail.

Section 3 Applications

Applications for such licenses shall be made to the Board of Selectmen by delivery of such application to the Town Clerk; and such applications shall be on a form prescribed by the Board of Selectmen, and shall state thereon the description and number of vehicles, if any, intended to be operated in connection with the business for which a license is required, the kind of merchandise to be hawked or peddled; and the permanent address of the hawker or peddler.

Section 4 Fee

The fee for such a license shall be \$50.00 for an annual license and shall be payable with the submission for the license. The duration of a license shall be one (1) year from the date of issuance.

Section 5 Peddlers and Hawkers

No peddler or hawker shall ply his trade on any street, sidewalk, park, parkway or any other public place unless the license hereunder specifies that peddling and hawking in such places is permitted thereunder.

Section 6 Fraud

Any licensed peddler or hawker who shall be guilty of any fraud, cheating or misrepresentation, and convicted therefor by a court of competent jurisdiction, while acting as a peddler in the Town or who shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license shall be deemed guilty of a violation of this ordinance.

Section 7 Penalty

Any person, firm, or corporation violating any provision of this ordinance shall be fined not less than \$100.00 nor more than \$250.00 for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 32 MRSA, Sec. 4681 et seq.; 9 MRSA, Sec. 5001 et seq.; 9-A, Sec. 3-501 et seq.

CHAPTER VI-6

House Trailer Ordinance

No house trailer, as defined in Title 36, Section 1481, shall be moved over the highways of this State through use of dealer plates or transporter plates unless the operator of the vehicle hauling such trailer has in his possession a written certificate from the tax collector of the municipality from which the trailer is being moved, identifying the trailer and stating that all property taxes applicable to the trailer, including the current tax year, have been paid, or that the trailer is exempt from such taxes. The tax year shall be the period from April 1 through March 31.

Section 1481 of Title 36 defines a "house trailer" (not including a camp trailer) as

"A trailer or semi-trailer which is designed, constructed and equipped as a permanent or temporary dwelling place, living abode or sleeping place and is equipped for use as a conveyance on highways, or

"A trailer or semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer . . . but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier."

Also, no house trailer shall be moved into or from the Town of Camden without a permit from the Code Enforcement Officer.

Historical Note: State statute effective October 1, 1969

State Law Reference: 29 MRSA, Sec. 354(5) (formerly 29 MRSA, Sec. 336(4))

CHAPTER VI – 7

An Ordinance to Establish a Parking Trust Fund – 1999

Preamble. Article X, Part II, Section 4(2)(c)(5)(ii) of the Zoning Ordinance of the Town of Camden, Maine states that the off-street parking requirements of Article X, Section 4 of the Zoning Ordinance shall be waived upon application to the Zoning Board of Appeals, in the event that a Parking Trust Fund has been established by the Town of Camden for the Downtown Business (B-1) District, the Transitional River Business District (B-TR), and the Harbor Business (B-H) District and in the further event that the applicant demonstrates that the applicant is a participant in that Trust Fund, hereinafter referred to as the “Fund”, financed through a fee mechanism which, once established, shall constitute a method by which property owners in the B-1, B-TR and B-H Districts of the Town of Camden can qualify for a waiver of the off-street parking requirements.

In the Town of Camden, the pressure of development combined with the ongoing growth in tourism has caused a significant and annually-increasing problem with parking in the Downtown and Harbor areas. That parking problem has resulted in a number of adverse effects for the Town of Camden including , without limitation, significant traffic problems and an inability of residents and non-residents to find parking in the Downtown and Harbor areas of the Town within a reasonable period of time, with a consequent loss of business for the Town and significant inconvenience for its residents.

The purpose of a Parking Trust Fund Ordinance is to establish a fund for the construction or expansion of municipal off-street parking facilities, and to provide a means to reduce the parking problem. By contribution to this fund, property owners in the B-1 , the B-TR, and the B-H Districts, in which the parking problem is particularly acute, will advance a solution to the parking problem which will benefit those individuals and businesses contributing to the Fund, and also be of wider benefit to the entire community.

Accordingly, the Parking Trust Fund Ordinance is enacted pursuant to the Home Rule powers of the municipality (Title 30-A M.R.S.A. §3001), in order to provide a mechanism which will allow participants in the Fund to meet the off-street parking requirements by a waiver of those requirements, without sacrificing the purposes of the off-street parking requirements.

The actual cost of construction is estimated to be \$6,000.00 to \$10,000.00 per space for ground-floor parking spaces and \$10,000.00 to \$17,000.00 per space for decked parking spaces. In order to encourage the use of the Fund mechanism, it is deemed beneficial to establish a Fund fee which is less than the anticipated actual cost of construction on the basis of the estimated cost of each parking space.

Section 1: Parking Trust Fund.

A Parking Trust Fund is hereby established by the Town of Camden. The Trustee of the Parking Trust Fund shall be the Town Manager of the Town of Camden. The

appointment of the Town Manager as the Trustee shall be made by the Board of Selectmen as an annual appointment, no later than August 1 of each year.

Section 2: Powers and Duties of the Trustee.

The powers and duties of the Trustee of the Fund shall be as set forth in the Parking Trust Fund Agreement, hereinafter referred to as the "Trust", a copy of which is attached to this ordinance and incorporated by reference herein.

Section 3: Purpose of the Parking Trust Fund.

All fees contributed to the Fund shall be dedicated to the construction of municipal off-street parking facilities in accordance with plans for such construction approved by the Board of Selectmen, or for other purposes which enhance solutions to the parking problem in the Town of Camden, including, without limitation, the following purposes:

- (1) Expansion of an existing municipal parking facility;
- (2) Land acquisition costs for an existing municipal parking facility or for a proposed parking facility; and
- (3) Research and implementation of other solutions to the parking problem.

Section 4: Parking Trust Fund Fee.

In the B-1, the B-TR, and B-H Districts of the Zoning Ordinance of the Town of Camden, any applicant for a building permit, or other persons subject to the requirements of Article X, Section 4(2)(C) of the Zoning Ordinance, may apply to the Board of Appeals for a waiver of those off-street parking requirements by submitting an application to the Board of Appeals, together with such information as may reasonably be required by the Board of Appeals. The application shall specifically state the number of parking spaces which would be required of the applicant in order to meet the off-street parking requirements of the Zoning Ordinance for the proposed use, the specific number of parking spaces for which the applicant seeks a waiver, and a statement of the Parking Trust Fund fee (hereinafter referred to as the "Fee") which must be paid by the applicant in order to qualify for the waiver.

The Fee shall be calculated by multiplying the number of parking spaces for which the applicant seeks a waiver by the sum of Four Thousand Five Hundred Dollars (\$4,500.00).

Section 5: Board of Appeals Action on Application for Waiver.

Upon receipt of an application for a waiver of the off-street parking requirements, the Board of Appeals shall act upon that application within thirty (30) days of the date of receipt of that application.

Failure of the Board of Appeals to act upon such an application within thirty (30) days of the date of receipt of that application shall constitute a denial of that application.

Upon receipt of a proper application, containing all of the information reasonably required by the Board of Appeals, the Board of Appeals shall approve that application for a waiver, so long as the applicant meets the following standards:

- (1) The applicant has standing to make the application.
- (2) The applicant has not established any other uses on the land which is subject to the application, or on any other land located in the Town of Camden, which illegally violates the off-street parking requirements of the Zoning Ordinance of the Town of Camden.
- (3) The use of the land for which the applicant requests a waiver is a legal and permissible use in the zoning district in which the applicant's property is located, and any special exceptions necessary to make that use legal, or any variances which must be granted by the Board of Appeals in connection with that use, or any other approval by the Board of Appeals that is necessary in connection with that proposed use, have been approved by the Board of Appeals prior to action on the application for a waiver of the off-street parking requirements.
- (4) In the event that the waiver is requested for fewer than the required number of off-street parking spaces, then the applicant's proposed use, with the waiver, will thereafter comply with the off-street parking requirements.

Section 6: Issuance of Waiver by the Board of Appeals.

Any waiver of the off-street parking requirements by the Board of Appeals, as set forth in Section 5 of this Ordinance, shall be subject to the condition that the waiver shall be effective only in the event that the entire amount of the Fee is paid to the Parking Trust prior to the expiration of a period of sixty (60) days from the date of approval. In the event that the applicant fails or omits to pay the Fee to the Trustee of the Fund within that sixty-day period, then the approval of the waiver shall become null and void and, in addition, the applicant shall not be permitted to make another application to the Board of Appeals for a waiver for a period of one year from the date of the initial approval. The payment of the Fee shall be made to the Code Enforcement Officer, who shall promptly deliver the Fee to the Trustee. The Code Enforcement Officer shall certify the date of payment, in writing, to the Board of Appeals.

Section 7: Segregation of Parking Trust Fund Fees.

All of the Fees contributed to the Trustee of the Fund shall be segregated from the municipality's general revenues. The Fees shall be expended solely for the purpose of construction or expansion of municipal off-street parking facilities by the Town of Camden, or for such other uses which assist the Town in solving the parking problem in the Town by

providing additional parking for the general public in the vicinity of the B-1, the B-TR, and the B-H Districts.

Section 8: Schedule for Construction of a Parking Facility.

Within two (2) years of the date of enactment of this Ordinance, the Board of Selectmen shall establish a specific schedule for the construction of a municipal off-street parking facility utilizing, in part, the Fund. In the event that construction of the municipal off-street parking facility does not commence prior to November 7, 2004, then the Fund shall refund, to each person, who contributed the Fee to the Parking Trust Fund as set forth in Section 6 above, any unexpended portion of the Parking Trust Fund Fee as of such date (November 7, 2004) in the proportion which that person's contribution to the Trust Fund bears to the total contributions made to that Fund as of that date, unless the deadline is extended by the Board of Selectmen. In the event that construction of the municipal off street parking facility has not commenced as of November 7, 2004, then the Board of Selectmen may, by a vote of that Board, extend the deadline for commencement of construction for a period of time not to exceed five (5) years, and any refund shall be calculated and payable after the date as extended.

Accrued interest on the Fund, after deduction of expenses of administration of the Trust, shall thereafter be delivered by the Trustee to the Town to be held in a segregated account dedicated to parking activities, such as studies of parking solutions.

Any person who received a waiver from the off-street parking requirement in accordance with the "Ordinance to Establish a Parking Trust Fund" enacted on November 7, 1989, shall not receive a refund as set forth in Section 8 of this Ordinance. Any such person making a contribution to the Parking Trust Fund prior to the date of enactment of this Ordinance shall remain subject to the provisions of Section 8 of "An Ordinance to Establish a Parking Trust Fund" which was enacted on November 7, 1989 and any refund of the Fee paid to the Parking Trust Fund for such person shall be determined in accordance with Section 8 of that prior Ordinance.

Section 9: Denial of Waiver.

In the event that the application for a waiver of the off-street parking requirements is denied, then the applicant's proposed use must comply with the off-street parking requirements of Article X, Part II, Section 4(2)(c) of the Zoning Ordinance of the Town of Camden. Such denial shall be in writing and shall contain sufficient findings of fact to inform the applicant of the reasons for denial.

Section 10: Periodic Review.

The Board of Selectmen shall review, at intervals of five (5) years from the date of enactment of this Ordinance, the operations of the Fund. At the election of the Board of Selectmen, the Fund may be audited periodically by an accountant.

As part of the periodic review of the Fund, the Selectmen shall determine the extent to which the initial Fee in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) per parking space is appropriate. Upon a determination by the Board of Selectmen that such Fee is inappropriate, based upon actual construction costs, then the Board of Selectmen may cause an increase or decrease in the Fee for any person making an application for a waiver after the date of any determination by the Board of Selectmen that such Fee is inappropriate.

As of the date of enactment of this Ordinance, and for all prior years in which contributions were made into the Parking Trust Fund in accordance with the Ordinance for such a Parking Trust Fund adopted on November 7, 1989, the Parking Trust Fund Fee in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) per parking space shall be deemed reasonable and that Fee shall not be considered excessive for any such prior year.

Section 11: Appeal to Superior Court (80-B).

Any denial or adverse decision may be appealed by an aggrieved party with standing to the Superior Court, by filing a complaint for review of governmental action in accordance with Rule 80-B of the *Maine Rules of Civil Procedure* within thirty (30) days of the date of the decision of the Board of Appeals.

Section 12: Waiver – Succeeding Businesses.

In the event that the Board of Appeals permits a waiver of the off-street parking requirements in conformity with Section 6 of this Ordinance, then any such waiver shall apply to any succeeding business resulting from a sale or conveyance of the business of the applicant for a waiver, so long as the succeeding business is in the same category of use, for purposes of determining the parking requirements, as the business for which the waiver was originally granted.

Section 13: Contributions to Parking Trust Fund Prior to Date of Enactment.

Any contribution to the Parking Trust Fund which occurs prior to the date of enactment of this Ordinance shall be held by the Trustee in accordance with the provisions of this Ordinance, except as otherwise expressly stated in this Ordinance.

CAMDEN CONSERVATION COMMISSION ORDINANCE

Section 1 Commission established.

A conservation commission is hereby established pursuant to Title 30-A, Sections 3261-3263, M.R.S.A. to consist of seven (7) members appointed by the Board of Selectmen, all of whom shall be residents of the Town. The terms of office shall be three (3) years except that initial appointments after the date of adoption of this Ordinance shall be such that the terms of no more than three (3) members shall expire in any single year. For that purpose, the Board of Selectmen shall initially appoint three members for terms of one year, two members for terms of two years, and two members for terms of three years, such that the terms of one-third of the members shall expire each year.

Section 2 Purpose.

The purpose of the conservation commission shall be to serve as a research, advisory and advocacy group on environmental and conservation issues relating to the Town.

Section 3 Qualifications.

All members of the commission shall be selected upon the basis of their knowledge of or interest in conservation, environmental science or related fields.

Section 4 Powers and duties.

The commission:

- (a) Shall keep records of its meetings and activities and make an annual report to the Town;
- (b) Shall conduct research in conjunction with the planning board into local land areas;
- (c) Shall seek to coordinate the activities of conservation bodies organized for similar purposes;
- (d) May keep an index of all open areas within the Town, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the Board of Selectmen or to any board of the Town or to any body politic or public agency of the state a program for the better protection, development or use of such open areas, which may include the acquisition of conservation easements;

- (e) May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary, if municipal appropriations provide financial resources to do so;
- (f) Shall undertake any other conservation or environmental activity referred to it by the Board of Selectmen.
- (g) May recommend to the Selectmen the acceptance of gifts in the municipality's name for any of the Commission's purposes.
- (h) Shall carry out the guidelines in the Camden Community Forest Management Plan approved by the Board of Selectmen.

Section 5 Officers, meetings and records.

- (a) The members shall annually elect from their membership a chairperson, a vice-chairperson and a secretary.
- (b) All meetings of the Conservation Commission shall be open to the public, and notice, if required by law, should be provided to the public about such meetings.
- (c) Minutes shall be kept of all meetings.

Section 6 Limits of authority.

Nothing contained within this section shall supersede the provisions of the Town Charter, the Code Book of the Town of Camden. No powers and duties which may be exercised by conservation commissions under state statute which are not explicitly provided in this article may be exercised by the commission created herein.

Adopted by the voters of the Town of Camden on June 8, 1999.

CHAPTER VI - 13

Tour Bus Ordinance

Pursuant to Title 30 of the Maine Revised Statutes, Sec 2151-A and Sec. 2152-C (2) (A), and under the Home Rule Authority of the Town of Camden, the Municipal Officers hereby enact an Ordinance governing the loading and unloading of tour buses and the parking of tour buses.

The purpose of this Ordinance shall be to relieve traffic and parking congestion and encourage safety in the loading and unloading of tour buses in the Town of Camden.

Section 1 Loading and Unloading

Tour buses loading and unloading passengers in the Town of Camden shall cause such passengers to be loaded and unloaded only in areas designated for that purpose in the Town of Camden. Areas for that purpose designated by the Town of Camden shall be properly marked and signed.

Section 2 Downtown Parking

Tour buses shall only park for durations no longer than 15 minutes for loading and unloading in designated parking areas. The Town shall designate and properly sign certain locations within downtown Camden for purposes of such parking.

Section 3 Definition of Tour Bus

For purposes of this Ordinance, tour buses shall mean all buses which transport tourists or other visitors to the Town of Camden for stays of a duration less than one (1) week, except Greyhound buses using the Town of Camden as an intermediate stop on a regular route.

Section 4 Penalty

Any person, firm or corporation violating any provision of this Ordinance shall be fined Two Hundred Dollars (\$200) for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a Court of competent jurisdiction to the use of the municipality.

Any violation of this Ordinance shall be considered a traffic infraction.

Any person, firm or corporation charged with violation of this Ordinance may waive all court action by payment of the fine within ten (10) days after notice to such violator of the violation.

Historical Note: Adopted June 13, 1988; amended June 6, 1994 Selectmen's Minutes.

CHAPTER VI - 15

Public Library Ordinance

Preamble:

The purpose of this ordinance is the modification and clarification of prior Town votes in 1896 and 1926 concerning the Camden Public Library in order to reflect contemporary considerations consistent with the Home Rule Authority of the Town, and State law concerning public libraries set forth in Title 27 M.R.S.A. §101.

Article I – Authority

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with provisions of Title 30-A, M.R.S.A. §3001, and pursuant to the provisions of Title 27, M.R.S.A. §101-109, inclusive.

Article II - Establishment of Public Library

There shall be a public library of the Town, known as the "Camden Public Library." The purpose of the public library shall be to provide the inhabitants of the Town of Camden, and surrounding communities with public library services and facilities.

Article III - Governing Board

The governing board of the Camden Public Library shall be the Board of Trustees.

Article IV - Appointment of the Board of Trustees

The initial Board of Trustees shall be the Board of Trustees of the Camden Public Library which is in office as of the date of the Town Meeting at which this ordinance is enacted. The names and addresses of the initial Board of Trustees are attached to this ordinance as Exhibit A.

The initial Board of Trustees, and all subsequent Boards, shall consist of the number of members set forth in the By-laws each serving a three-year term, with the term of each member of the initial Board of Trustees commencing on the date of enactment of this ordinance and ending on the date set forth in Exhibit A.

New members of the Board of Trustees shall be elected by the Board of Trustees in accordance with the Bylaws of the Board of Trustees, subject to confirmation by the Board of Selectmen. The election of a new member shall be reported in writing by the President of the Board of Trustees to the Board of Selectmen within ten (10) days of the date of election. The Board of Selectmen shall act upon confirmation of a new member of the Board of Trustees within thirty (30) days of its receipt of that report.

The Board of Selectmen may appoint one member of the Board of Selectmen to act as a liaison between the Board of Selectmen and the Board of Trustees, and the Selectman so appointed may attend all meetings of the Board of Trustees.

Article V - Bylaws of the Board of Trustees

The Bylaws of the Board of Trustees in force at the time of enactment of this ordinance, a copy of which is attached to this ordinance as Exhibit B, shall govern the conduct of the Trustees. Amendments to the Bylaws shall be made by the Trustees in accordance with the Bylaws subject to confirmation of each amendment by the Board of Selectmen within thirty (30) days of receipt of Bylaw amendments by the Board of Selectmen.

Chapter VI-16
ORDINANCE CONCERNING THE OPERATION AND MAINTENANCE
OF THE MOUNTAIN VIEW CEMETERY AND THE OAK HILL CEMETERY
IN THE TOWN OF CAMDEN

PREAMBLE

Consistent with the historical relationship between the Camden Cemetery Association and the Town of Camden, this Ordinance is enacted to reflect contemporary considerations for the Town's cemeteries and in accordance with the Home Rule Authority of the Town.

ARTICLE I: AUTHORITY

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A, MRSA Section 3001 and Title 13 MRSA Section 1373.

ARTICLE II: PUBLIC CEMETERIES

There are two public cemeteries in the Town of Camden: Mountain View Cemetery and the Oak Hill Cemetery. The purpose of the Cemetery Association shall be to provide the inhabitants of the Town of Camden, inhabitants of surrounding towns and communities, and families and individuals who may contract with the Town of Camden from time to time for the burial and internment of human bodies and for other services and facilities normally associated with a public cemetery, including any future cemeteries in the Town.

ARTICLE III: GOVERNING BODY

The governing body of the Cemetery Association shall be the Board of Trustees.

ARTICLE IV: APPOINTMENT OF THE BOARD OF TRUSTEES

The initial Board of Trustees shall be the Board of Trustees of the Camden Cemetery Association, which is in office as of the date of the Town Meeting at which this Ordinance is enacted. A copy of the names and addresses of the members of the Board of Trustees in office as of June 9, 1999 is attached to this ordinance.

The initial Board of Trustees shall consist of seven members with staggered terms as follows: Three members shall serve a three year term, commencing July 31, 1999 and expiring on July 31, 2002; two members shall serve a two year term, commencing July 31, 1999 and expiring on July 31, 2001, and two members shall serve a one year term, commencing July 31, 1999 and expiring on July 31, 2000.

Following the establishment of the Board of Trustees, vacancies in the Board of Trustees, by expiration of term of office, or otherwise, shall be filled by appointment by the

Board of Selectmen of a person to fill each such vacancy, as the vacancy occurs. The Town of Camden finance supervisor will be an ex-officio member of the Board of Trustees.

Each new appointee shall assume office, and that appointee's term of office shall commence as of the date of appointment by the Board of Selectmen.

ARTICLE V: OFFICERS OF THE BOARD OF TRUSTEES

The Board of Trustees shall elect a chairperson and a vice chairperson. The finance supervisor shall serve as the recording secretary. The foregoing officials shall be the officers of the Board of Trustees and shall serve in that capacity for a term of one year, or until his or her successor shall be elected by a subsequent Board of Trustees.

ARTICLE VI: MEETINGS OF THE BOARD

Meetings of the Board of Trustees shall be held at such times as the Board may determine. Special meetings of the Board of Trustees may be called by the Chairperson or, in the case of the disability or absence of the Chairperson, by the Vice Chairperson, upon notice to each Board member as well as to the public of each such special meeting, no less than three days prior to each special meeting. All meetings of the Board of Trustees, with the exception of executive sessions permitted by law, shall be public meetings and the public shall be permitted to attend.

ARTICLE VII: POWERS, AUTHORITY, AND DUTIES OF THE BOARD

The Board of Trustees shall have the power, authority, and duty to manage and to control the public cemeteries, in all things connected with those cemeteries, including the authority to:

- A. Engage the services of independent contractors and companies for maintenance, care, and preservation of the cemetery grounds and all cemetery facilities;
- B. Coordinate and monitor the hiring and supervision of employees of the Town providing work and services for the maintenance, care, and preservation of the cemetery grounds and all cemetery facilities;
- C. Accept gifts and endowments for the use of the Cemetery Association in the operation, maintenance and preservation of the public cemeteries, subject to the requirement that the acceptance of all such gifts and endowments shall be confirmed by the Board of Selectmen of the Town;
- D. Purchase and arrange for the purchase of all materials, equipment, and supplies for the operation, maintenance, and preservation of the public cemeteries;
- E. Direct the expenditure of Cemetery Association funds.

- F. Direct the investment of Cemetery Association funds, in consultation with the Board of selectmen of the Town and in accordance with the provisions of Article X of this ordinance.
- G. Establish bylaws and regulations for the operation and management of the public cemeteries, and for the use of those facilities by the inhabitants of the Town and by inhabitants of other towns and communities; and
- H. Engage in all functions and perform all duties required for the operation, maintenance, management, and preservation of the Mountain View Cemetery, the Oak Hill Cemetery, and any other public cemeteries of the Town of Camden.

ARTICLE VIII: SEXTON

The Board of Trustees shall appoint a Sexton who will work under the direction of the Board of Trustees; for purposes of the Town's personnel policies, the Finance Supervisor of the Town shall be the supervisor of the Sexton. Among other duties assigned to the Sexton, the Sexton shall be responsible for the location of grave sites, and coordinating grave openings and closings.

ARTICLE IX: TOWN FINANCE SUPERVISOR

The Town finance supervisor shall serve as a financial assistant to the Board of Trustees for the purpose of providing monthly financial information on Cemetery Association revenues and expenses.

ARTICLE X: DONATIONS AND CEMETERY ASSOCIATION FUNDS

All funds that have been donated to the Town of Camden or to the Cemetery Association for the use of the Mountain View Cemetery, the Oak Hill Cemetery, or any other public cemetery in the Town, and all cemetery revenues, shall be held in the name of the Cemetery Association. The Board of Trustees shall be responsible for the investment and management of all such Cemetery Association funds, or funds resulting from donations to the Town for cemetery purposes.

With the concurrence of the Board of Selectmen, the Board of Trustees shall make decisions concerning the investment of Cemetery Association funds and Town funds.

As directed by the Board of Selectmen, in consultation with the Cemetery Association, the Treasurer of the Town shall invest Cemetery Association funds in accordance with the provisions of Title 30-A MRSA Section 5706. Cemetery Association trust funds and funds donated to the Town for cemetery purposes may be pooled with other Town trust funds for investment purposes, as directed by the Board of Selectmen. In the event that such funds are pooled with other Town trust funds, the interest and income earned on those funds shall be segregated from other income and such interest and income shall be used exclusively for the purposes of the public cemeteries of the Town. In the event that any instruments of donation

or gifts to the Cemetery Association or the Town contain restrictions or limitations on the investment of those funds, then those funds shall be invested in compliance with those restrictions and limitations.

ARTICLE XI: CEMETERY BUDGET

The Board of Trustees shall be responsible for the preparation of the annual budget. The Board of Trustees shall develop an annual operating and capital budget showing line item expenses and supporting revenue. The annual budget for the Cemetery Association shall show the investment of all funds and donations, and the expenditures anticipated for the operation of the cemeteries for the budgetary year.

ARTICLE XII: APPLICABILITY OF PERSONNEL POLICIES

Except as otherwise stated in this Ordinance, all employees of the Town working at the public cemeteries, including the Sexton, shall be subject to the personnel policies of the Town of Camden.

ARTICLE XIII: AUTHORITY TO HIRE INDEPENDENT CONTRACTORS

The Board of Trustees shall have the authority to engage independent contractors for purposes of providing services for the maintenance, care, repair, and preservation of the public cemeteries, and equipment and facilities associated with those cemeteries. Independent contractors shall be engaged for such work on terms and conditions approved by the Board of Trustees. Independent contractors shall not be considered employees of the Town of Camden or the Cemetery Association and shall not be subject to the personnel policies of the Town.

ARTICLE XIV: OWNERSHIP OF CEMETERIES

All cemeteries, cemetery lots, and portions of public cemeteries located in the Mountain View Cemetery and the Oak Hill Cemetery shall be owned by the Town of Camden, including all portions of cemeteries or cemetery lots conveyed to the Camden Cemetery Association, unless ownership by the Town of Camden violates a restrictive covenant or prohibition set forth in a deed concerning a portion of a cemetery or a cemetery lot. The Camden Cemetery Association shall execute deeds and other instruments for recording in the Knox County Registry of Deeds conveying all such interest in the cemeteries, cemetery lots, and portions of public cemeteries to the Town of Camden.

ARTICLE XV: EFFECTIVE DATE

This Ordinance shall take full force in effect on the date of enactment of this Ordinance at a Town Meeting of the Town of Camden.

ARTICLE XVI: PRIOR CEMETERY ORDINANCES

Upon enactment of this Ordinance, this Ordinance shall supersede any other ordinance or operating arrangement between the Town of Camden and the Camden Cemetery Association, and any prior ordinance is repealed. All cemetery facilities, including equipment, supplies, and materials, shall be transferred to the Town of Camden under the supervision of the Board of Trustees as established by this Ordinance.

Adopted by the voters of the Town of Camden on June 8, 1999.

Chapter VI-17

GENERAL ENFORCEMENT ORDINANCE

The purpose of this Ordinance is to provide an enforcement mechanism for any and all Ordinances duly adopted within the Town of Camden, which do not therein delegate a specific enforcement authority to issue notice of violation letters and subsequently prosecute ordinance violations.

1. **EFFECTIVE DATE:** This ordinance shall be effective upon adoption of the voters of the Town of Camden.
2. **AUTHORITY:** The following responsibilities for enforcement are allocated as follows:
 - a. The duly appointed Code Enforcement Officer of the Town of Camden is hereby authorized and shall enforce the Flea Market Ordinance, the Hawkers and Peddlers Ordinance, the House Trailer Ordinance and the Newspaper Vending Rack Ordinance, all as amended from time to time.
 - b. The Chief of Police or his authorized representative of the Camden Police Department is hereby authorized and shall enforce all parts and sub-parts of the Town of Camden Police Ordinance, as amended from time to time.
 - c. The duly appointed Code Enforcement Officer of the Town of Camden is hereby authorized and shall enforce all other Ordinances of the Town of Camden for which there is no specific enforcement officer identified therein.

This Ordinance shall not affect or modify enforcement authority previously established in any Ordinance of the Town of Camden or any State Law to the extent that it conflicts with the provisions of this Ordinance. The Code Enforcement Officer or the Police Chief, as described herein, are hereby authorized to issue Notices of Violation and to prosecute matters, either individually or in conjunction with the Town Attorney for the Town of Camden. Prosecution or defense of actions in District or Superior Court may proceed after it is authorized by the Select Board of the Town of Camden.

3. **PENALTIES:** The monetary civil penalties for violations of any Ordinance of the Town of Camden, which does not already specifically include a monetary penalty for violations therein, shall be as follows:
 - a. For violations of the terms and conditions of any such Ordinance there shall be a \$100.00 minimum penalty and the maximum penalty shall be \$2,500.00, with each day being a separate and distinct violation. Penalties shall accrue commencing three days after the date of issuance of a Notice of Violation from the office of the Code Enforcement Officer. Said notice shall be sent by regular mail at the last known address of the offender on file with the Town of Camden,

or in hand, or by certified mail, return receipt requested.

- b. In addition to the penalties provided herein, the Town of Camden through its duly appointed representative and/or the Town Attorney, may bring an action in the Superior Court or the District Court to enjoin violations of all Ordinances of the Town of Camden, for collection of penalties, and for such other relief as may be provided by law, including Title 30-A § 4452, as amended from time to time.
 - c. As an alternative, in part or in whole, to the penalty provisions as described in subsection 3(a), the Town and violator may negotiate a community service penalty and request the Court to issue an Order of Community Service after agreement of the parties.
- 4. **SEVERABILITY:** If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.
 - 5. **CONFLICT WITH OTHER ORDINANCES:** Whenever the regulations of this Ordinance conflict with those of another Ordinance or Regulation, the specific terms in any other Ordinance shall control over the terms of this Ordinance.

Adopted at the June 8, 2004 Annual Town Meeting.